

February 19, 2013

West Des Moines City Council Proceedings  
Tuesday, February 19, 2013

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Tuesday, February 19, 2013 at 5:31 PM. Council members present were: J. Mickelson, T. Ohmart, J. Sandager, and K. Trevillyan.

On Item 1. Agenda. It was moved by Trevillyan, second by Sandager to approve the agenda as presented.

Vote 13-038: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

Council member Trimble arrived at 5:32 p.m. The attendance was re-taken. Council members present were: J. Mickelson, T. Ohmart, J. Sandager, K. Trevillyan, and R. Trimble.

Mayor Gaer swore in newly-elected Second Ward Council Member John Mickelson.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Council member Sandager reported he attended a meeting of the Metro Advisory Council earlier today and that body will meet with state legislators on March 12<sup>th</sup> to discuss property tax reform, 411, local option sales tax, and the local control over housing of unrelated persons in a home. He stated a number of metro communities have agreed to pay \$1 per capita, over a five year period, to help cover the costs of a homeless shelter in Des Moines which, for West Des Moines, would equate to about \$12,000 a year. The Council, previously and informally, agreed to commit the funds and requested staff come up with a proposal for how to budget the needed funds to be reviewed by the Finance and Administration Subcommittee. He reported the Development and Planning Subcommittee met and discussed proposed modifications to the Hy-Vee on Valley West Drive and the vertical elevation of the communications tower that will be installed at Public Safety Station 19 for the new microwave radio system. He also reported he attended a meeting of the Library Board, where discussion was held on implementing art-related initiatives at the library and possibly seeking financial support from BRAVO Greater Des Moines.

Council member Trevillyan reported he held a Ward 1 Quarterly Town Hall meeting on February 9<sup>th</sup>. He also reported he served as a judge for the 2<sup>nd</sup> Annual Chili Cook-off in Valley Junction on February 16<sup>th</sup>.

Council member Trimble reported the Finance and Administration Subcommittee formed a committee to explore the possibility of the relocation of WDM Human Services to the former

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Wright Tree Services building on 6<sup>th</sup> Street and relocation the Business Incubator to the Human Services building. He reported the subcommittee also reviewed and approved some components of the Public Works reorganization plan including the elimination of a vacant Public Works Supervisor position and reallocation of that position's duties to the Facilities Manager who will be compensated accordingly for the additional duties, as well as the staggered hiring of two Operations Specialists. He noted the reorganization plan is expected to be expenditure neutral. He reported the subcommittee also reviewed a proposed ordinance to establish a seven-member Sister Cities Commission to recommend potential sister cities for West Des Moines and also reviewed a proposed amendment #3 to the 2013-13 FY Operating and Capital budget.

Council member Ohmart stated he has discussed with Polk County Supervisor Angela Connolly the need to evaluate the programs offered by the proposed county facility at the Sixth and Maple Street site to determine if there are opportunities for the City to collaborate with them on similar programs to avoid duplication. He reported the Public Works Subcommittee met and discussed the proposed Sugar Creek Storm Sewer Fee District, several outstanding issues related to the 2013 Sidewalk Program, and issues related to the IDOT's future reconstruction of the I-35 interchange at Grand Avenue.

Council member Trimble requested staff provide the proposed design for the I-35 interchange at Grand Avenue to the Council.

City Manager Greg Sparks reported he attended a public meeting regarding the Tomorrow Plan, which was well attended and the public was able to get their questions answered. He attended a meeting of the Greater Des Moines Partnership on February 7<sup>th</sup>, where a committee was established to review business incubator funding. On February 13<sup>th</sup> an internal meeting was held regarding the 105<sup>th</sup> Street/Alice's Road interchange project and the relocation of the rest areas in that area. He also reported he attended a meeting earlier today regarding the DART budget, where discussion was held on DART's 8 cent increase in their tax levy rate. He distributed information to the Council on DART's property tax revenue, which indicated nearly \$2.5 million of property taxes are generated from West Des Moines. He reported the meeting has also included discussion on DART's high reliance on Federal funding and concerns were expressed by the cities regarding DART's proposed personnel complement, since the cities are merely holding the line, if not reducing personnel.

Mayor Gaer stated Pat Boddy of RDG has requested the City of West Des Moines pull together a meeting of developers in the area and facilitate a discussion with them regarding the implementation of the Tomorrow Plan.

Council member Trimble expressed disappointment that DART continues to increase their tax levy rate while reducing service to West Des Moines, which is their second largest source of property tax revenue.

Mr. Sparks noted DART is considering adding more stops to Route 11 which serves Valley

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Junction and has indicated DART will be in contact with DMACC and will study the possibility of providing service to the DMACC West campus.

Council member Ohmart noted that DART not only provides service to our residents, but also to the businesses that employ workers from other communities that commute into West Des Moines.

Mayor Gaer reported he attended the West Des Moines Chamber's Development Connection and the Chamber's annual event, the "Big Deal," will be held on April 5<sup>th</sup>.

Council member Trimble also reported he attended the West Des Moines Parks and Recreation's Daddy-Daughter Dance, and he complimented the staff on making that event a success.

On Item 4. Consent Agenda.

Council members pulled Item 4(k)2 for discussion. It was moved by Sandager, second by Trevillyan to approve the consent agenda as amended.

- a. Approval of Minutes of February 4, 2013 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. Barcode Clubs, LLC d/b/a Billy Joe's, 1701 25th Street - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
  - 2. Lin Corporation d/b/a China Garden, 2020 Grand Avenue, Suite 1300 - Special Class C Liquor License with Sunday Sales - Renewal
  - 3. Kum & Go LC d/b/a Kum & Go #66, 5300 University Avenue - Class BC Beer Permit with Carryout Wine and Sunday Sales Privileges - Renewal
  - 4. Miranda Family Corporation d/b/a Mi Patria, 1410 22nd Street - Special Class LC Liquor License with Sunday Sales - Renewal
  - 5. MMSF, Inc. d/b/a Saraj Restaurant & Bakery, 1300 50th Street, Suite 206 - Special Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
  - 6. Old Market Ventures, LLC d/b/a Twin Peaks Restaurant, 4570 University Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
  - 7. The Wine Experience LC d/b/a The Wine Experience at Younkers Jordan Creek, 101 Jordan Creek Parkway, Building #6000 - Special Class C Liquor License with Carryout Wine and Sunday Sales - Renewal
- d. Approval of Extended Sound Permits:
  - 1. Glen Oaks Country Club - Various Outdoor Events for 2013
  - 2. Sully's Irish Pub St. Patrick's Day Celebration - March 17, 2013
- e. Approval of Orders for Violation of Alcohol Laws
- f. Approval of Appointments:

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1. Civil Service Commission
2. Committee and Liaison Assignments
- g. Approval of Application - Bicycle Friendly Community
- h. Approval of Agreement - Supply and Service of Portable Toilets
- i. Order Construction - 2013 Concrete Trail Renovation Project
- j. Accepting Work:
  1. 2011 Sewer Cleaning and Televising Program
  2. Sylvan Rill Drive Storm Sewer Replacement
  3. Grand Avenue and Vine Street Intersection Improvements
  4. Grand Avenue Drainage Improvements
- k. Approval of Grant Applications:
  1. Community Development Block Grant Program
- l. Approval of Professional Services Agreements:
  1. Stagecoach Drive Improvements
  2. Sugar Creek Sewer Extension
  3. Cascade Avenue Trunk Sewer
  4. 2013 Digital Orthophotography and Mapping Services

Vote 13-039: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 4(k)2 Approval of Grant Application - Iowa Clean Air Attainment (ICAAP) Funds

Council member Trimble expressed appreciation to the staff for seeking these funds, as residents have expressed to him that making traffic flow better in the city is a high priority, and potential receipt of these funds will help to coordinate traffic and make it flow better.

It was moved by Trimble second by Sandager to approve Item 4(k)2 Approval of Grant Application - Iowa Clean Air Attainment (ICAAP) Funds.

Vote 13-040: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

Mayor Gaer stated since the applicant for Item 5(a) is R & R Realty Group, his employer, Mayor Pro tem Trimble will preside over this portion of the meeting.

On Item 5(a) Country Club Office Plaza, northeast corner of 72nd Street and Woodland Avenue - Amend the Country Club Office Plaza Planned Unit Development (PUD) Amending the Zoning of Parcel 'G' From Office (O) to High Density Residential (HDR), initiated by R & R Realty Group

It was moved by Sandager, second by Ohmart to consider the second reading of the ordinance.

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Vote 13-041: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Ohmart to approve the second reading of the ordinance.

Vote 13-042: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by Sandager, second by Ohmart to waive the third reading and adopt the ordinance in final form.

Vote 13-043: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

Mayor Gaer resumed presiding over the meeting.

On Item 5(b) 2012 PCC Patching Program, Phase 2, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Sandager to adopt Resolution - Award Contract to MPS Engineers.

Vote 13-044: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Lincoln Street Park, 300 block of Lincoln Street - Amend the Comprehensive Plan Land Use Designation for a Portion of the Property From General Industrial (GI) to High Density Residential (HDR) and Amend the Lincoln Street Park Planned Unit Development (PUD) to Add a High Density Residential Parcel, initiated by Lakeside Park Plaza, LC. He asked for the date the notice was published and the City Clerk indicated the notice was published on February 1, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with one member abstaining due to a potential conflict of interest and one member absent, the Plan and Zoning Commission recommended City Council approval of the proposed comprehensive plan amendment and rezoning.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trimble to adopt Resolution - Approval of Comprehensive Plan Amendment.

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Vote 13-045: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by Sandager, second by Trimble to consider the first reading of the ordinance.

Vote 13-046: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trimble to approve the first reading of the ordinance.

Vote 13-047: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of \$8,000,000 Essential Corporate Purpose General Obligation Bonds, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on February 5, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trimble to adopt Resolution - Instituting Proceedings to Take Additional Action.

Vote 13-048: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of \$700,000 General Corporate Purpose General Obligation Bonds, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on February 5, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan second by Sandager to adopt Resolution - Instituting Proceedings to Take Additional Action.

Vote 13-049: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes

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Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of \$400,000 General Corporate Purpose General Obligation Bonds, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on February 5, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble second by Sandager to adopt Resolution - Instituting Proceedings to Take Additional Action.

Vote 13-050: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

Jody Smith, Deputy City Manager/City Clerk, noted a final action will come forward on the March 4<sup>th</sup> agenda for the issuance of the three bonds the City Council just held Public Hearings on and the total issuance will be \$8,315,000.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider 2013-14 FY Operating and Capital Budget, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on February 8, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trimble to adopt Motion - Approval of 2013-14 FY Operating and Capital Budget.

The Mayor and Council expressed appreciation to City staff for the work that went into preparing the budget and that they were able to do so while maintaining the current property tax levy rate.

Vote 13-051: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider 2013 Parking Lot Repair Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on February

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8, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Joiner Construction Co., Inc.

Vote 13-052: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider 2012 Pavement Joint Crack Sealing Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on February 8, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Midwest Coatings Co., Inc.

Vote 13-053: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(a) Bridgewood North Plat 3, Beechtree Lane at Bridgewood Drive - Subdivide Property into 14 Lots for Residential Development, initiated by Grayhawk Homes of Iowa, L.L.C.

It was moved by Sandager second by Trevillyan to adopt Resolution - Approval of Final Plat and Release of Plat for Recording, subject to the applicant complying with all applicable City Code requirements.

Council member Ohmart inquired about the lot widths in this proposed final plat.

Chris Shires, Development Planning and Inspection Manager, responded they are approximately 65 feet wide.

Vote 13-054: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes



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Motion carried.

On Item 7(b) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 4 (Nuisances), Section 4 (Notice to Abate; Service) - Revised Notice Requirements for Nuisance Violations, initiated by the City of West Des Moines

Mayor Gaer stated the goal of this Ordinance is to streamline the process of addressing nuisance violations and bring people into compliance.

It was moved by Trevillyan second by Sandager to consider the first reading of the ordinance.

Vote 13-055: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan second by Sandager to approve the first reading of the ordinance.

Vote 13-056: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(c) Amendment to City Code - Title 5 (Police Regulations), Chapter 3 (Animal Control), Section 21 (Penalties) - Revised Civil Penalties for Certain Animal Control Violations, initiated by the City of West Des Moines

It was moved by Sandager second by Trevillyan to consider the first reading of the ordinance.

Vote 13-057: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager second by Trevillyan to approve the first reading of the ordinance.

Vote 13-058: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(d) Amendment to City Code - Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Section 4 (Specific Use Regulations) - Declare Certain Zoning Violations to also be Nuisances, initiated by the City of West Des Moines

It was moved by Trevillyan second by Sandager to consider the first reading of the ordinance.

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Vote 13-059: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan second by Sandager to approve the first reading of the ordinance.

Vote 13-060: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 8(a) Abstract of Votes - February 12, 2013 Special Municipal Election - Received and Filed

On Item 8(b) John Mickelson Resignation - Public Art Advisory Commission - Received and Filed

On Item 9 - Other Matters

Mayor Gaer stated, in regards to the 105<sup>th</sup> Street/Alice's Road interchange project, the City has received information from the IDOT on the excess right-of-way process and that information is currently being reviewed by staff. He noted the information indicated that, if the IDOT is in agreement, the City could follow its own excess right-of-way process. He requested staff present that process to the IDOT for their consideration, and he also requested staff place this matter as a standing item on every Finance and Administration Subcommittee agenda until it is resolved.

Linda Robel, 9075 Lindas Lane, expressed appreciation to the Mayor and Council for their efforts in bringing this matter to a resolution. She requested that, for future projects, the City makes sure it does everything possible to prevent residents from being put in a similar position as her.

Mayor Gaer stated the City is already addressing Ms. Robel's concerns related to future projects because they have not yet drawn proposed future roadways that would require acquisition of private property into the Comprehensive Plan.

Shawn Mori, 6 Sugar Creek Lane, Waukee, requested a meeting with City Officials to address a number of questions and outstanding issues before the City proceeds with the process of returning the excess right-of-way to the former property owners.

Mayor Gaer requested that Ms. Mori provide a list of the questions and issues to give staff an opportunity to research them before the meeting.

The meeting was adjourned at 6:27 p.m.

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Respectfully submitted,

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Ryan T. Jacobson  
Deputy City Clerk

ATTEST:

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Steven K. Gaer, Mayor